

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

In re MASSEY ENERGY CO.)	Civil Action No. 5:10-cv-00689
SECURITIES LITIGATION)	
)	<u>CLASS ACTION</u>
)	
This Document Relates To:)	The Honorable Irene C. Berger
)	
ALL ACTIONS.)	
)	

**PLAINTIFFS' MOTION TO STRIKE
EXHIBITS B-H TO THE DECLARATION OF JULIE A. NORTH
IN SUPPORT OF DEFENDANTS' MOTIONS TO DISMISS**

PLEASE TAKE NOTICE that Lead Plaintiff Commonwealth of Massachusetts Pension Reserves Investment Trust and Plaintiff David Wagner, on behalf of the Class (collectively, “Plaintiffs”), by their counsel, hereby and respectfully move this Court for an Order pursuant to Fed. R. Civ. P. 12(f) and 12(d) striking Exhibits B-H to the Declaration of Julie A. North in support of Defendants’ Motions to Dismiss. Plaintiffs respectfully request that this Motion be heard in conjunction with Plaintiffs’ Opposition to the Motions to Dismiss filed concurrently herewith.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Plaintiffs submit herewith a Memorandum of Law, the Declaration of Joel H. Bernstein, the Declaration of Professor R. Larry Grayson, Ph.D., and a Proposed Order.

DATED: June 9, 2011

/s/ Joel H. Bernstein
JOEL H. BERNSTEIN

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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

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